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**Sent:** 8/7/2014 4:49:12 PM  
**To:** Mitre, Alfreda [Mitre.Alfreda@epa.gov]; Phillips, Gregory [Phillips.Gregory@epa.gov]; Hoskie, Sadie [Hoskie.Sadie@epa.gov]; Minter, Douglas (Minter.Douglas@epa.gov) [Minter.Douglas@epa.gov]  
**Subject:** Meeting to Discuss NHPA 106 Process for Dewey Burdock - additional info for meeting at 1:00 today in 7th floor Prairie Rose Room

I have reviewed the 2 issues related to NHPA that will be heard before the Atomic Safety and Licensing Board beginning Tuesday, August 19, 2014. Here is a summary of the issues that we can discuss at our meeting later today:

**A. Contention 1A**

**"Failure to Meet Applicable Legal Requirements Regarding Protection of Historical and Cultural Resources."**

**1. Party Positions**

The Oglala Sioux Tribe claims that the protection of historical and cultural resources has been inadequately addressed in the FSEIS in the same way it was inadequately addressed in the application and DSEIS stages. Consolidated Intervenorers also claim the FSEIS fails to properly analyze or comply with applicable legal requirements in the same way as the DSEIS.

**2. Board Ruling**

With the issuance of the FSEIS, the concerns regarding the protection of historical and cultural resources have migrated because this previously admitted contention challenging the DSEIS now challenges the same information in the FSEIS.

**B. Contention 1B**

**"Failure to Involve or Consult all Interested Tribes as Required by Federal Law."**

**1. Party Positions**

Both the Oglala Sioux Tribe and Consolidated Intervenorers allege tribal exclusion throughout the entire application/licensing process. Based on their claim that the FSEIS has been completed without "the requisite level of Tribal participation," they maintain that the content of this contention migrates to the most current Staff review document.

**2. Board Ruling**

With the issuance of the FSEIS the concerns regarding a failure to involve or consult with Tribes have migrated because this previously admitted contention now appears in relation to information in the FSEIS.

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